



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK N.C. 27711**

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Ratification of Unauthorized Commitment,  
Contractor/Vendor: Sustainable Healthy Communities

**FROM:** Rodney-Daryl Jones  
Division Director  
RTP Procurement Operations Division (AA005)

**TO:** Erika Sasser, Director  
Health and Environmental Impacts Division (HEID)

The subject ratification in the amount of \$3,000 has been approved and is attached for your information.

A handwritten signature in black ink, which appears to read "Rodney-Daryl Jones", is written over a horizontal line.

Rodney-Daryl Jones  
Division Director  
RTP Procurement Operations Division (AA005)

JUL 17 2018  
Date

Attachment:  
Determination & Findings

ENVIRONMENTAL PROTECTION AGENCY  
DETERMINATION AND FINDINGS  
RATIFICATION OF AN UNAUTHORIZED CONTRACT ACTION

FINDINGS

This unauthorized commitment relates to charges assessed for 20 spatially-resolved health, economic, and demographic data sets. These are related to the data purchased from National Health Index, LLC on 1-23-2014 via Purchase Order # EP-14-D-000035. Purchase Order # EP-14-D-000035 required the contractor to deliver a series of health and socioeconomic data to the EPA.

Under the original purchase order, the contractor verbally committed to COR Neal Fann to deliver documentation describing the techniques they employed for developing and assembling these data sets, however, they did not do so and this requirement was not otherwise spelled out in the original SOW. COR Neal Fann originally believed that the delivered data met the specifications described in the original purchase order SOW, and the Agency remitted payment for the original purchase order. In December 2016, COR Neal Fann directed the contractor to provide the "missing" documentation which he thought was a part of the original purchase order. On 3-29-2017 the contractor delivered, and COR Neal Fann accepted the additional documentation. On 4-16-2017 COR Neal Fann received an invoice for \$3,000 from the contractor for this additional documentation.

The following has been determined in accordance with FAR 1.602-3(c)(2), services obtained were of a type that was lawful for the EPA to procure and the ratifying official had the authority to enter into a contractual commitment; FAR 1.602-3(c)(3), the resulting purchase order would have been proper had it been made by an appropriate contracting officer; FAR 1.602-3(c)(4), the invoiced amount has been determined fair and reasonable based on the market research conducted by the contracting officer during the procurement phase of Purchase Order # EP-14-D-000035; and FAR 1.602-3(c)(6), funds are available and were available at the time the unauthorized commitment was made.

Preventive measures have been taken in order to ensure unauthorized commitments do not occur in the future. These measures include:

1. All HEID staff have been instructed to obtain an approved requisition prior to procuring services.
2. All HEID staff have been instructed to contact the assigned procurement office to affirm or determine the proper acquisition procedures for the requirement.
3. All HEID staff have been instructed that all contract requirements must be explicitly detailed in the contract Statement of Work (SOW); and only a warranted Contracting Officer is authorized to direct the contractor to deviate from the SOW.

### RECOMMENDATION

Based on the above statements, I hereby recommend this action to be ratified. The Agency received benefit and actions have been taken to minimize the future occurrence of an unauthorized commitment.



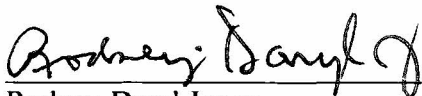
\_\_\_\_\_  
Andrew Flynn  
Contracting Officer  
OARSC Service Center

7-17-18

Date

### DETERMINATION

Based on the foregoing, and pursuant to EPAAR 1501.602-3, this unauthorized commitment is hereby ratified.



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Rodney-Daryl Jones  
Division Director  
RTP Procurement Operations Division

JUL 17 2018

Date